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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

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UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP ANTHONY CARRERO,

Defendant.

**MOTION TO REOPEN THE  
DETENTION HEARING**

Case No. 2:22-cr-00030

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Defendant, Phillip Anthony Carrero, by and through counsel, Wojciech Nitecki, pursuant to § 18 U.S.C. 3142(f)(2)(B), hereby moves this Court to reopen the detention hearing in this matter.

Detention “hearing may be reopened, before or after a determination by a judicial officer, at any time before trial if the judicial officer finds that information exist that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as a required and the safety of any other person in the community.” 18 U.S.C. 3142(f)(2)(B).

The reopening of the hearing is warranted because, since his initial appearance on March 15, 2022, Mr. Carrero has requested to be screened for drug treatment and he was recently accepted into the Odyssey House inpatient.<sup>1</sup> In addition, Mr. Carrero will be asking this Court to consider that the firearm connected to this case was not loaded. In its Position Regarding Detention, the government stated that the arresting officers “found a loaded firearm on [Mr. Carrero’s] person.” Dkt. No. 11 at 5. So far, the discovery does not bear that out.

Counsel for Mr. Carrero confirmed that Odyssey House can transport the Defendant from the Federal Courthouse Wednesday, Thursday and Friday of this week.

RESPECTFULLY SUBMITTED this 23rd day of May, 2022.

/s/ Wojciech Nitecki

WOJCIECH NITECKI

Assistant Federal Public Defender

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<sup>1</sup> See attached letter of acceptance from Odyssey House